

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SERGIO DAVALOS,

Petitioner,

vs.

JAMES A. YATES, Warden,

Respondent.

CASE NO. 09 CV 2101 JM (POR)

**ORDER ADOPTING REPORT
AND RECOMMENDATIONS
AND GRANTING MOTION TO
DISMISS**


Doc. Nos. 8, 13

Pending before the court is a Report and Recommendations regarding Defendant's motion to dismiss the petition for writ of habeas corpus. (Doc. Nos. 8, 13). In her Report and Recommendations, the magistrate judge thoroughly and thoughtfully analyzed the parties' claims and recommended that Defendant's motion to dismiss be granted and that the petition for writ of habeas corpus be dismissed. Petitioner filed an objection to the report and recommendations. (Doc. No. 14).

The court finds this matter appropriate for disposition without oral argument. *See* CivLR 7.1(d)(1). As the Report and Recommendations fully and properly analyzed the parties' claims, the court hereby ADOPTS the Report and Recommendations in full. Defendant's motion to dismiss is GRANTED. The Clerk of the Court is directed to close the file.

IT IS SO ORDERED.

DATED: August 5, 2010


Hon. Jeffrey T. Miller
United States District Judge